

Statement of Richard B. Robins, Jr., Chairman, Mid-Atlantic Fishery Management Council

Testimony on the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act before the U.S. Senate Committee on Commerce, Science, and Transportation's Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard

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Good morning, Mr. Chairman and Members of the Committee. Thank you for the opportunity to testify before you today. My name is Richard B. Robins, Jr. and I am the Chairman of the Mid-Atlantic Fishery Management Council. I was appointed to the Council in 2007 and have served as chairman for the last five years. In addition to my involvement on the Council, I have served as an Associate Member of the Virginia Marine Resources Commission since 2004. I have been processing and exporting U.S. seafood since 1990, and I have also been a lifelong recreational fisherman.

The Mid-Atlantic Council has primary management responsibility for 8 species of fish, 2 species of squid, and 2 species of shellfish, as well as the surrounding ecosystem and habitats, in the Exclusive Economic Zone from North Carolina to New York. The Council manages 5 species jointly with the Atlantic States Marine Fisheries Commission and 2 species jointly with the New England Fishery Management Council.

In 2011, the commercial fishing industry in the Mid-Atlantic harvested 858 million pounds of fish and shellfish valued at \$605 million, and more than 5 million fishermen took nearly 21 million fishing trips. The commercial and recreational fishing industries also provide approximately 80 thousand full- and part-time jobs. Although our jurisdiction includes the seven states of the Mid-Atlantic, the ecological and socioeconomic impacts of our fisheries extend well beyond our region.

The Mid-Atlantic Council's stock rebuilding efforts that were ongoing at the time of the last reauthorization are now complete. All of the stocks we manage that have biological reference points are now rebuilt to levels at, near, or above their biological targets. Several of our stocks, including Atlantic Mackerel, do not currently have biological reference points and their status is unknown.

I was asked to speak today about three topics as they relate to fisheries management in the Mid-Atlantic:

1. Progress made since the 2006 reauthorization;
2. Ongoing challenges faced in transitioning to sustainable fisheries; and
3. Tools, resources, and statutory refinements needed to address these challenges.

The Council just completed its first Visioning Project and Strategic Planning Process. The initiative benefitted from extensive public input from thousands of fisheries stakeholders throughout the region, and culminated in a 5-year Strategic Plan. My responses to these questions will reflect not only my own perspective as a Council member, recreational fisherman, and commercial industry participant but also the goals and concerns identified by stakeholders during this planning process.

Recent Progress and Successes

The U.S. has the strongest fisheries management system in the world. At the time of the last reauthorization, the Mid-Atlantic Council was already on a solid path to rebuilding stocks that were depleted in the 1980's and 1990's. The Council's rebuilding success was facilitated by quota-based management that generally

complied with the scientific advice that came through the stock assessment process and quota recommendations from Monitoring Committees.

The 2006 reauthorization required that the Council's Scientific and Statistical Committee (SSC) provide the Council with Acceptable Biological Catch (ABC) recommendations for each fishery. This was a significant institutional change, and the Council focused on developing necessary capacities within the SSC to develop and refine the quota-setting process.

In addition, the Council was able to bring all of its fishery management plans (FMPs) into compliance with the Annual Catch Limit (ACL) and Accountability Measure (AM) requirements of the Act through an omnibus amendment. At the core of the omnibus amendment is a harvest control rule and associated risk policy that quantifies the Council's tolerance for risk as a function of each fishery's stock status and the biological life history characteristics of the species. Since the Council was able to incorporate the harvest control rules for all fishery management plans in an omnibus amendment, our approach to risk and accounting for scientific uncertainty is consistent across plans and is explicitly incorporated in the harvest control rules.

Our risk policy is an example of success because it strikes a balance between maximizing yield from a stock and accounting for the scientific uncertainty that is inherent in stock assessments. The new framework has worked very well for fisheries that have stock assessments with reliable biological reference points. The framework creates consistency for the Council and the public by establishing a crucial link between the Council and the SSC in the quota-setting process.

A second major area of improvement for us since 2006 relates to the way we incorporate fishermen's on-the-water perspectives, knowledge, and market information into the management process. In 2011, we began developing Advisory Panel (AP) Fishery Performance Reports to provide the SSC with an annual description of the factors that influenced fishing effort and catch for each fishery. These reports provide the SSC with additional contextual information and are particularly useful when we establish quotas for data-poor stocks. They also provide useful and up-to-date information about the operations Mid-Atlantic fisheries. We have also reviewed and updated the composition of our APs to ensure the Council was benefitting from a broader range of stakeholder interests and geographical perspectives.

The Council's post-reauthorization process changes have not been easy, but they have helped us establish a more clearly defined quota-setting framework and contributed to successful stock rebuilding in Mid-Atlantic fisheries.

Challenges and Recommendations

Allow fisheries managed under Magnuson-Stevens to be marketed accordingly

As I mentioned previously, we have been steadily rebuilding stocks that were depleted in an earlier chapter in history. Despite these successes, the social and economic outcomes for our region's fishing communities have not been entirely positive. Many members of the commercial fishing industry struggle to regain their footing in U.S. and international markets even as quotas increase. There is also a lingering and sometimes demoralizing sense that U.S. fisheries and fishermen are still negatively associated with overfishing, despite the solid rebuilding successes and sustainability requirements in the current act.

These problems deserve to be addressed—U.S. fishermen fishing under today’s Magnuson Act should be standing tall among their international peers. In a market transformed by globalization, the sustainability of U.S. fisheries needs to be affirmed, and U.S. fishermen and processors should be able to identify and label their products as fish that were harvested responsibly and sustainably under the gold standards of the Magnuson-Stevens Act.

A U.S. fisherman catching fish in fisheries subject to the Magnuson’s peerless standards should not have to make a hefty investment in a third-party certification in order to sell his fish to U.S. consumers, much less to the vendors of the U.S. Park Service. Within the global market, there will always be a need and a role for third-party certifiers for sustainability and food safety.

I would be very concerned about shouldering NMFS with an unfunded, complicated certification program. Rather, I think the focus should be kept simple and should give the agency the authority to confirm that fisheries subject to federal management are sustainably managed, consistent with the legal requirements of the Magnuson-Stevens Act. This would allow fishermen and processors to label and market their product accordingly. Such a designation may or may not satisfy a European retail chain, but a public affirmation of the core strengths of the U.S. management would be an important step toward better marketing of U.S. fisheries products.

Provide funding and support for the collection of timely and accurate data to meet the requirements of the Act

The effectiveness of our fisheries management system hinges on the availability of accurate information about the status of our fisheries. The stock assessment and research capacities of the Northeast Fishery Science Center (NEFSC) are critical to the successful management of fisheries in the Mid-Atlantic. The ACL requirements of the last reauthorization increased the demand for assessment products from the NEFSC, which also supports the New England Fishery Management Council and the Atlantic States Marine Fisheries Commission. I would specifically recommend additional investment in the NEFSC’s stock assessment and research capacities to meet the future needs of the region’s managed fisheries.

I also suggest securing the future of cooperative and collaborative research initiatives such as the highly successful Northeast Area Monitoring and Assessment Program (NEAMAP). These programs build stakeholder confidence in fisheries data used to support fisheries management by bringing fisheries scientists and commercial fishermen together to collect important fisheries data. Cooperative and collaborative initiatives like NEAMAP should be expanded in a strategic way to supplement existing surveys in the Northeast Region.

Data-Poor Stocks

While I have already described several areas of progress relative to how we use scientific information in the management process, this progress has not applied evenly across our fisheries. The revised process created by the 2006 MSRA has not worked as well for data-poor stocks. In cases where a stock assessment fails to produce reliable biological reference points, the process has produced inconsistent results.

Black sea bass and butterfish are two examples of fisheries that have been the subject of significant quota-setting challenges as a result of scientific uncertainty. For both fisheries, the Council has had to work through an iterative process with the Northeast Regional Science Center, the SSC, and other management partners to conduct supplemental analyses to achieve improved outcomes. Every Council has some data-poor stocks, and these examples highlight the need for sustained investment in the research necessary to support improved

stock assessments that will move these stocks from the data-poor category, which is currently subject to ad-hoc quota-setting methods, to the point that they have acceptable biological reference points.

Improve Alignment of Ecosystem Objectives in the MSA with Other National Policies

The Mid-Atlantic Council has taken several significant steps toward a more ecosystem-based approach to fisheries management since the last reauthorization. These steps have included: 1) Establishing an Ecosystem Subcommittee within the SSC to provide the Council with scientific advice specific to ecosystem management, 2) Holding a comprehensive forage fish management workshop in 2013, and 3) Initiating an Ecosystem Approach to Fisheries Management Guidance Document in 2013.

The Council is pursuing an incremental, evolutionary strategy to incorporate ecosystem approaches to fisheries management. This approach responds to significant public interest in the management of low trophic level (forage) stocks and a broader objective of more effectively incorporating species interactions, environmental conditions, and habitat associations into our management decisions. The process should ultimately enhance the ecological sustainability of our managed fisheries.

It may be necessary to fish some species at levels above Maximum Sustainable Yield (MSY) and other species well below MSY in order to achieve ecosystem level objectives. The act should be clear on these issues as they relate to the definition of Optimum Yield (OY).

Address emerging representation issues

Fish do not respect political boundaries, so the Mid-Atlantic Council has spent considerable time in Southern New England holding port meetings with fishermen and fisheries stakeholders during our Visioning Project. From Stonington, Connecticut to Chatham, Massachusetts, each of these groups raised a common concern regarding representation. Specifically, they expressed concern over the fact that their state jurisdictions did not have a voting representative on the Mid-Atlantic Council despite the fact that some of them depend substantially on fisheries managed by the Mid-Atlantic Council.

Similarly, the Mid-Atlantic fishing and processing industries depend significantly on the Atlantic Sea Scallop fishery. Sea Scallops are the top commercial fishery in the Mid-Atlantic region in ex-vessel value. New Jersey and Virginia landed nearly 23 million pounds of sea scallops worth \$222 million in 2011. While the Mid-Atlantic Council has two voting seats on the New England Council's Sea Scallop Oversight Committee, the Mid-Atlantic committee members are not able to vote on final Council actions.

Geographic distributions of fisheries populations are also shifting substantially in response to changing ocean temperatures. The governance implications of these ongoing changes in the marine environment should be considered to ensure that constituents throughout the range of these fisheries are adequately and effectively represented in the process. The Mid-Atlantic Council is addressing these concerns proactively in a governance workshop in March of next year. Meanwhile, vesting the liaisons of the New England and Mid-Atlantic Councils with motion-making and voting rights in the reauthorization would ensure that both Councils can preserve their interest in fishery management actions through the final Council vote that submits a recommendation to the Secretary of Commerce. Another strategy would be to give the Council the discretion to submit final actions when convened as a committee of the whole, which would allow the additional committee members to vote on the final action.

Incorporate provisions that account for the needs and interests of the recreational fishing community

Recreational fisheries are an important source of food, recreation, employment, and income for many Mid-Atlantic communities. In 2012, 5 million anglers took about 20 million fishing trips in the Mid-Atlantic region. The recreational fishing community is highly diverse and includes not only private anglers, but also for-hire vessels (i.e., party and charter boats with paying customers) whose business interests may reflect different values and regulatory preferences. It is clear from input we received from stakeholders during our Visioning Project that recreational anglers want reasonable access to fishing opportunities and they want greater regulatory stability.

Since the last reauthorization, we have made considerable progress toward adapting our management system to better account for the different needs and interests of the recreational community. We recently completed an Omnibus Amendment that involved a comprehensive review and overhaul of our recreational Accountability Measures (AMs). Our recommendations were designed to enhance stability of recreational fisheries by improving alignment of our management strategies with the statistical characteristics of the recreational catch estimates.

Conclusion

The Mid-Atlantic Council's history offers solid evidence that the system established by the Magnuson-Stevens Act and subsequent amendments is effective at preventing overfishing and rebuilding stocks. The next reauthorization should build on the past success of the act and position our fisheries for future success in broader terms than simply preventing overfishing. We need to define and pursue success in terms that result in the management of U.S. fisheries for the greatest overall benefit of the nation not just biologically, but also socially, economically, and ecologically to insure and secure a better future for our fisheries and fishing communities. As strong as the system is, we can improve it by working together to fine tune the act, the policies that shape its implementation, and our practices.